

### **REMARKS/ARGUMENTS**

Applicants gratefully acknowledge the Examiner's allowance of claims 1-6.

Further in the Office Action, the Examiner has rejected the only remaining independent claim in the application, i.e., claim 7, based on Yoshisue in view of kido and further in view of Jones. The Examiner acknowledges that Yoshisue does not include the feature of claim 7 where the shank roller-pushing part has at an outer side surface thereof a marking line as a reference in adjusting an angular position of the jack. The Examiner then argues that Jones discloses such a feature and that it would have been obvious to modify Yoshisue to include this feature of Jones. As will be further discussed below, Applicants respectfully traverse the Examiner's rejection for at least the reason that Jones does not disclose what the Examiner argues it discloses, therefore, Applicants respectfully submit that even if Yoshisue can be modified by Jones, that the modified Yoshisue reference still does not disclose all of the features of Applicants' invention.

In independent claim 7, Applicants claim the feature where the repetition lever 4 has a shank roller-pushing part 42 having left 45a and right 45a wall parts which define a jack guide hole 45 for guiding a jack 5 and on which a shank roller 37 of the hammer 30 rides, and the shank roller-pushing part 42 has at an outer side surface thereof a marking line 57a as a reference in adjusting an angular position of the jack 5. Applicants respectfully submit that these features of Applicants' invention are clearly disclosed in Applicants' specification at least at para. 0027 and in Figure 4. Applicants respectfully submit that these features of Applicants' invention provide a configuration that is significant for the reasons as evidenced in Applicants' specification at least at para. 0037. According to the feature of independent claim 7, since the shank roller-pushing part of the repetition lever has at an outer side surface thereof a marking line as a reference in adjusting an angular position of the jack, no friction occurs between the shank roller-pushing part and the shank roller of the hammer riding thereon.

In the Office Action, the Examiner argues that Jones discloses the feature of Applicants' invention where the shank roller-pushing part has at an outer side surface thereof a marking line as a reference in adjusting an angular position of the jack. The Examiner argues that Jones' upper or lower edge of the curved end of the slot which has a dimension 312, as shown in Fig. 20A, discloses a "marking line". However, Applicants respectfully submit that even if these edges of the curved end of the slot can be considered in any way to be a "marking line", that they are not a marking line as claimed by Applicants where the marking line is at an outer side surface of the shank roller-pushing part. Rather, the edges of the curved end of the slot are located inside of the repetition lever and not, as claimed by Applicants, at an outer side surface of the shank roller-pushing part.

Therefore, because Jones does not disclose Applicants' claimed marking line that is at an outer side surface of the shank roller-pushing part, but rather, in contrast, discloses that any "marking line" as most-broadly interpreted by the Examiner is inside the repetition lever. Therefore, Applicants respectfully submit that even if Yoshisue can be modified by Jones, that the modified Yoshisue reference still does not disclose all of the features of Applicants' invention.

Further, Applicants respectfully submit that the location of Applicants' marking line at an outer side surface of the shank roller-pushing part is not merely an obvious variation from Jones' "marking line" inside the repetition lever. In Applicants' invention, the marking line is at an outer side surface of the shank roller-pushing part so that it is visible from the outside transversally. This visibility from the outside allows the marking line to function as the further claimed feature in independent claim 7 as a reference in adjusting an angular position of the jack. Jones' "marking line" (upper or lower edges of the curved end of the slot) is provided where it is, i.e., inside the slot of the repetition lever, because the improved slot that is extended and angled or stepped is provided for use with the improved hammershank of Figs. 8 through 16. Col. 8, lines 10-16.

Therefore, Applicants respectfully submit that Applicants' claimed position for its claimed marking line is not merely an obvious variant of Jones' disclosed position for the argued "marking line." Each is where it is because each has a different purpose.

Further, Applicants respectfully submit that because Jones' "marking line" is provided inside the repetition lever, contrary to the Examiner's inherency argument, Jones' "marking line" cannot be a reference in adjusting an angular position of the jack, as further claimed by Applicants. As discussed above, Applicants' claimed marking line is provided where it is, i.e., at an outer side surface of the shank roller-pushing part, because the marking line serves as the further claimed reference in adjusting the angular position of the jack. Jones' "marking line" is provided where it is, i.e., at the upper or lower edges of the curved end of the slot, because the improved slot is provided for use with the improved hammershank. Therefore, contrary to the Examiner's argument, Applicants respectfully submit that Jones' curved end of the slot cannot have the inherent function of a reference in adjusting an angular position of the jack; the improved curved end of the slot has the explicit function of use with the improved hammershank in Jones and no inherent function with respect to a reference in adjusting an angular position of the jack. Further, as shown in Figs. 16 and 24 of Jones, since in the key-released state, the jack is set apart from the edge of the curved end of the slot, the slot cannot inherently function as a reference in adjusting an angular position of the jack.

Therefore, for at least the above reasons, Applicants respectfully submit that even if Yoshisue can be modified by Jones, that the modified Yoshisue reference still does not disclose all of the features of Applicants' invention of independent claim 7. Applicants respectfully submit that independent claim 7, and claims 8-11 which depend therefrom, are allowable over the cited references.

Applicants respectfully submit that the application is in condition for allowance with claims 1-11 being allowable. If there are any questions regarding

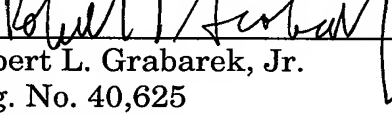
this Response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If required, this paper should be considered to include a Petition for an Extension of Time sufficient to effect a timely response. Please charge any such fees, any deficiency in fees, or credit any overpayment of fees, to Deposit Account No. 05-1323 (Docket No. 056272.57598US).

Respectfully submitted,

CROWELL & MORING LLP

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By   
Robert L. Grabarek, Jr.  
Reg. No. 40,625  
Tel.: (949) 263-8400 (Pacific Coast)

Intellectual Property Group  
P.O. Box 14300  
Washington, D.C. 20044-4300